

Reply to Office Action dated
December 12, 2004

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Serial No. 09769,761

REMARKS

Claims 1, 5-12, 32, 36-43, 47-49, 51, 52, 54, 55 and 57 are presented. Claims 2-4, 13-31, 33-35, 44-46, 50, 53, 56, and 58-60 have been cancelled.

Claims 1-14, 16-30, 32-45, and 47-57 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials "and those that do not materially affect the basic and novel characteristics" of the claimed invention. In independent claims 1 and 32 the language an aqueous bleaching mixture "consisting essentially of water, and hydrogen peroxide", and an aqueous magnesium hydroxide slurry "consisting essentially of water and magnesium hydroxide" are at issue. Water, hydrogen peroxide and magnesium hydroxide are the specified materials. In a commercial environment other materials in the form of impurities are present in the water, hydrogen peroxide and magnesium hydroxide that do not materially affect the basic and novel characteristics of the claimed invention. This is the basis for the use of the transitional phrase "consisting essentially of" as it relates to these specified materials.

In order to further clarify the transitional phase question, all of the claims relating to a chelating agent has been cancelled. This limits the remaining claims in this patent application to the specified materials water, hydrogen peroxide, and magnesium hydroxide.

Claims 1-14, 16-30, 32-45, and 47-57 have been rejected under 35 U.S.C. 102(a) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lindahl. Claims 1-14, 16-30, 32-45, and 47-57 have been rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/41917 ("WO '917") as applied to claim 1 above, and further in view of Lindahl.

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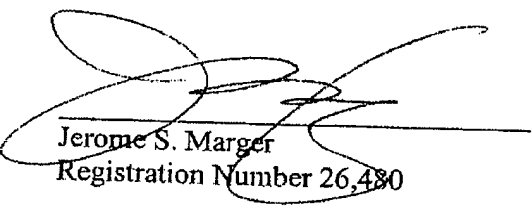
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Attorney for Applicants wishes to thank Examiner Alvo for the courtesies extended to him in a telephone interview on February 22, 2005. The matters relating to the use of the transitional phrase "consisting essentially of" were discussed with Examiner Alvo in that telephone interview. Also reviewed with Examiner Alvo was his statement at the bottom of page 4 of the Office Action regarding the conditions for amending claim 1 so that it is in allowable form. Accordingly, in addition to the presence in independent claim 1 of the language an aqueous bleaching mixture consisting essentially of water, and hydrogen peroxide, and the language an aqueous magnesium hydroxide slurry "consisting essentially of water and magnesium hydroxide, the language of claims 13 and 14 has also been added to independent claim 1. The amendments that have been made to the language of independent claim 1 have also been made to independent claim 32. All of the dependent claims in this case are now dependent from either claim 1 or claim 32, respectively.

Therefore, amended claims 1, 5-12, 32, 36-43, 47-49, 51, 52, 54, 55 and 57 are now in allowable form, and the Examiner is requested to pass this application to issue forthwith. If any matters are later deemed unresolved by the Examiner, the Examiner is encouraged to call the Attorney for Applicants to discuss same.

Respectfully submitted,



Jerome S. Marger
Registration Number 26,480

Customer Number 20475
Marger Johnson & McCollom, P.C.
1030 SW Morrison Street
Portland, Oregon 97205
(503) 222-3613